

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2014

ORDINANCE NO. _____

**Re: An Ordinance by the Board of County Commissioners of Frederick County
to Amend Chapter 1-19 of the Frederick County Code Regarding
Accessory Structures on Residential Properties**

Background

Section 1-19-8.240 of the Zoning Ordinance restricts accessory uses on residential properties. Section 1-19-8.240(B)(2) provides that the footprint of the accessory structure may not exceed the greater of: (a) One-half (½) of the footprint of the principal dwelling; or (b) Six hundred (600) square feet. The BOCC desires to amend and revise paragraph 1-19-8.240(B)(2) to provide more flexibility regarding the size of accessory structures.

Paragraph 1-19-8.240(B)(5) provides that accessory structures over twelve feet (12') feet in height shall be set back at least one (1) additional foot from the minimum setback for each foot of height over twelve (12) feet. The BOCC desires to repeal paragraph 1-19-8.240(B)(5). The BOCC believes the otherwise applicable six foot (6') setback requirement for accessory structures found in §1-19-4.300.1.A is a sufficient restriction on the distance accessory structures must be from any lot line.

At its meeting on February 20, 2014, the BOCC initiated this Ordinance. Pursuant to §1-19-3.100.3(A)(1), this Ordinance was referred to the Planning Commission for a recommendation. Notices of the Planning Commission and BOCC public hearings, along with a summary of this Ordinance, were published in a newspaper of general circulation in Frederick County in accordance with the provisions of §1-19-3.100.3(E).

The Planning Commission held its duly advertised public hearing on this Ordinance on the ____ day of April, 2014, at which time the public had a reasonable opportunity to comment on the proposed revisions and amendments.

The BOCC held its duly advertised public hearing on the proposed revisions and amendments on the ____ day of _____, 2014, at which time the public had a reasonable opportunity to comment on the proposed revisions and amendments.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND THAT §1-19-
8.240(B) is hereby amended and revised to read as follows:

(B) An accessory structure shall be limited in size when located on a residentially zoned property to the following:

(1) The total square footage of all floors of the accessory structure shall not exceed that of the dwelling;

(2) EXCEPT AS PROVIDED IN SUBSECTION (B)(3) BELOW, The footprint of ~~AN~~~~the~~ accessory structure may not exceed the greater of:

- (a) One-half of the footprint of the principal dwelling; or
- (b) Six hundred square feet.~~[-; and]~~

(3) ONE (1) ACCESSORY STRUCTURE LOCATED ON A RESIDENTIAL - 1 (R-1) ZONED PROPERTY MAY EXCEED THE FOOTPRINT LIMITS OF SUBSECTION (B)(2) ABOVE, PROVIDED THAT THE FOOTPRINT OF THAT ACCESSORY STRUCTURE DOES NOT EXCEED 2000 SQUARE FEET, AND PROVIDED THAT THE LOT SIZE EQUALS OR EXCEEDS 20,000 SQUARE FEET.

~~([3]4)~~ The square footage allowed for business purposes in an accessory structure shall be 600 square feet.

~~([4]5)~~ Accessory structures shall not exceed 70% of the maximum height allowed for the principal permitted use, except as otherwise provided within this chapter.

~~[(5) Accessory structures over 12 feet in height shall be set back at least 1 additional foot from the minimum setback for each foot of height over 12 feet]~~

AND BE IT FURTHER ENACTED AND ORDAINED THAT this Ordinance shall be effective on the ____ day of _____, 2014.

The undersigned hereby certify that the Board of County Commissioners for Frederick County, Maryland approved and adopted the foregoing Ordinance on the __ day of _____, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR FREDERICK COUNTY, MARYLAND

Lorie L. Depies, CPA
County Manager

By: _____
Blaine R. Young
President